

REMARKS

Initially, Applicant filed an Information Disclosure Statement (IDS) on May 28, 2004. The Examiner did not acknowledge receipt of this IDS. Applicant respectfully requests that the Examiner consider the documents cited in connection with the IDS by initialing and returning a copy of the Form 1449 that accompanied the IDS.

In the non-final Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112, second paragraph, as indefinite, and rejected claims 1-7, 9, and 10 under 35 U.S.C. § 102(e) as anticipated by Kajitani et al. (U.S. Patent No. 6,643,254).

By this Amendment, Applicant amends claims 1-10 to improve form and adds new claims 11-18. Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. §§ 112 and 102. Claims 1-18 are pending.

At page 2 of the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner alleged that the phrase "the master side OAM connection" lacks proper antecedent basis. Applicant has amended claim 7 to clarify that the master side operation administration and maintenance connection is the master side OAM connection recited in claim 8. Therefore, the phrase "the master side OAM connection" finds proper antecedent basis in claim 7.

In view of the foregoing, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. § 112.

At pages 3-5 of the Office Action, the Examiner rejected claims 1-7, 9, and 10 under 35 U.S.C. § 102(e) as allegedly anticipated by Kajitani et al. Applicant respectfully traverses the rejection.

A proper rejection under 35 U.S.C. § 102 requires that a single reference teach every aspect of the claimed invention either expressly or impliedly. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. Kajitani et al. does not disclose or suggest the combination of features recited in claims 1-7, 9, and 10.

Amended independent claim 1, for example, is directed to a PVC switching control method for controlling a PVC connection in an ATM communication network. The PVC switching control method comprises setting a plurality of PVC connections and individually corresponding controlling connections between two ATM exchanges of the ATM communication network; detecting, by each of the ATM exchanges, occurrence of or release from a trouble with a PVC connection through the corresponding controlling connection; and switching an operative PVC connection to another one of the PVC connections in response to a result of the detection.

Kajitani et al. does not disclose or suggest the combination of features recited in amended claim 1. For example, Kajitani et al. does not disclose or suggest setting a plurality of PVC connections and individually corresponding controlling connections between two ATM exchanges of the ATM communication network.

The Examiner alleged that Kajitani et al. discloses these features and cited column 2, lines 31-37, of Kajitani et al. for support (Office Action, page 3). Applicant respectfully disagrees.

At column 2, lines 31-37, Kajitani et al. discloses:

In accordance with one aspect of the present invention, there is provided a method of rerouting a PVC route on an ATM network, including steps of: previously defining an alternate route for the PVC route which is managed in an ATM network managing system; and switching the PVC route to a previously defined alternate route when a fault occurs in a network element forming the PVC route.

While this section of Kajitani et al. may disclose switching from a PVC route to an alternate route when a fault occurs, nowhere in this section, or elsewhere, does Kajitani et al. disclose or suggest setting a plurality of PVC connections and individually corresponding controlling connections between two ATM exchanges of the ATM communication network, as required by claim 1. In fact, Kajitani et al. does not disclose anything similar to controlling connections that are set between two ATM exchanges.

Further, Kajitani et al. does not disclose or suggest detecting, by each of the ATM exchanges, occurrence of or release from a trouble with a PVC connection through the corresponding controlling connection, as also required by claim 1.

The Examiner alleged that Kajitani et al. discloses these features and cited column 2, lines 31-37, of Kajitani et al. for support (Office Action, page 3). Applicant respectfully disagrees.

Column 2, lines 31-37, of Kajitani et al. is reproduced above. Nowhere in this section, or elsewhere, does Kajitani et al. disclose or suggest detecting, by each of the ATM exchanges, occurrence of or release from a trouble with a PVC connection through the corresponding controlling connection, as required by claim 1. Instead, Kajitani et al. discloses that when a fault occurs in a network element 10, fault notifying unit 12 of network element 10 notifies fault event analyzing unit 5 of network management system 1 (Fig. 1, col. 8, lines 56-67).

Assuming, for the sake of argument, that network elements 10 can be equated to ATM exchanges, nowhere does Kajitani et al. disclose that trouble in a PVC connection is detected by each of network elements 10, as required by claim 1. Further, nowhere does Kajitani et al. disclose or suggest that network elements 10 detect trouble through a corresponding controlling connection, as also required by claim 1.

For at least these reasons, Applicant submits that claim 1 is not anticipated by Kajitani et al. Claims 2-6 depend from claim 1 and are, therefore, not anticipated by Kajitani et al. for at least the reasons given with regard to claim 1. Claims 2-6 are also not anticipated by Kajitani et al. for reasons of their own.

For example, amended claim 5 recites that each of the ATM exchanges detects a trouble through receipt of an alarm indication signal cell from the operation administration and maintenance function. Kajitani et al. does not disclose or suggest this combination of features.

The Examiner alleged that Kajitani et al. discloses these features and cited column 4, lines 12-17, of Kajitani et al. for support (Office Action, page 4). Applicant respectfully disagrees.

At column 4, lines 12-17, Kajitani et al. discloses:

. . . the system includes: an ATM network resource managing unit for managing resources included in the ATM network; a PVC connection managing unit connected to the element data collecting unit through the communication network for managing the situation of the connection of the PVC route . . .

In this section, Kajitani et al. discloses elements associated with network management system 1 (Fig. 1; col. 8, lines 32-46). Kajitani et al. does not disclose or remotely suggest that network management system 1 is an ATM exchange. Instead, Kajitani et al. appears to disclose that

network elements 10 are ATM exchanges (Fig. 1; col. 10, line 22). Nowhere in the section reproduced above, or elsewhere, does Kajitani et al. disclose or suggest that each of network elements 10 detects a trouble through receipt of an alarm indication signal cell from an operation administration and maintenance function, as required by claim 5.

For at least these additional reasons, Applicant submits that claim 5 is not anticipated by Kajitani et al.

Amended claim 6 recites that each of the ATM exchanges detects a trouble through failure to receive a continuity check cell from the operation administration and maintenance function. Kajitani et al. does not disclose or suggest this combination of features.

The Examiner alleged that Kajitani et al. discloses these features and cited column 4, lines 12-17, of Kajitani et al. for support (Office Action, page 4). Applicant respectfully disagrees.

Column 4, lines 12-17, of Kajitani et al. has been reproduced above. As explained above, in this section, Kajitani et al. discloses elements associated with network management system 1 (Fig. 1; col. 8, lines 32-46). Kajitani et al. does not disclose or remotely suggest that network management system 1 is an ATM exchange. Instead, Kajitani et al. appears to disclose that network elements 10 are ATM exchanges (Fig. 1; col. 10, line 22). Nowhere in the section identified above, or elsewhere, does Kajitani et al. disclose or suggest that each of network elements 10 detects a trouble through failure to receive a continuity check cell from an operation administration and maintenance function, as required by claim 6.

For at least these additional reasons, Applicant submits that claim 6 is not anticipated by Kajitani et al.

Amended independent claim 7 is directed to a PVC switching control method for controlling a PVC connection in an ATM communication network. The method comprises setting a master PVC connection and a master side operation administration and maintenance (OAM) connection corresponding to the master PVC connection between a first ATM exchange and a second ATM exchange; setting a bypassing PVC connection prepared in advance for bypassing of the master PVC connection and a bypassing side OAM connection corresponding to the bypassing PVC connection between the first and second ATM exchanges; and switching, if both of the first and second ATM exchanges detect a trouble of the master PVC connection through the master side OAM connection, the master PVC connection to the bypassing PVC connection at the first and second ATM exchanges.

Kajitani et al. does not disclose or suggest the combination of features recited in amended claim 7. For example, Kajitani et al. does not disclose or suggest setting a master PVC connection and a master side operation administration and maintenance (OAM) connection corresponding to the master PVC connection between a first ATM exchange and a second ATM exchange.

The Examiner alleged that Kajitani et al. discloses these features and cited Fig. 10 and column 2, lines 31-37, of Kajitani et al. for support (Office Action, page 5). Applicant respectfully disagrees.

In Fig. 10, Kajitani et al. identifies that a PVC route can include a number of segments and alternate routes can be provided for each of the segments (col. 16, lines 36-45). Nowhere with regard to Fig. 10, or elsewhere, does Kajitani et al. disclose or suggest setting a master PVC connection and a master side operation administration and maintenance (OAM) connection

corresponding to the master PVC connection between a first ATM exchange and a second ATM exchange, as required by claim 7. In fact, Kajitani et al. does not disclose anything similar to a master side OAM connection that is set between a first ATM exchange and a second ATM exchange.

Column 2, lines 31-37, of Kajitani et al. has been reproduced above. While this section of Kajitani et al. may disclose switching from a PVC route to an alternate route when a fault occurs, nowhere in this section, or elsewhere, does Kajitani et al. disclose or suggest setting a master PVC connection and a master side OAM connection corresponding to the master PVC connection between a first ATM exchange and a second ATM exchange, as required by claim 7.

Further, Kajitani et al. does not disclose or suggest setting a bypassing PVC connection prepared in advance for bypassing of the master PVC connection and a bypassing side OAM connection corresponding to the bypassing PVC connection between the first and second ATM exchanges, as also recited in claim 7.

The Examiner alleged that Kajitani et al. discloses these features and cited column 2, lines 31-37, of Kajitani et al. for support (Office Action, page 5). Applicant respectfully disagrees.

Column 2, lines 31-37, of Kajitani et al. has been reproduced above. While this section of Kajitani et al. may disclose switching from a PVC route to an alternate route when a fault occurs, nowhere in this section, or elsewhere, does Kajitani et al. disclose or suggest setting a bypassing PVC connection prepared in advance for bypassing of the master PVC connection and a bypassing side OAM connection corresponding to the bypassing PVC connection between the first and second ATM exchanges, as required by claim 7. In fact, Kajitani et al. does not disclose

or suggest anything similar to a bypassing side OAM connection that is set between first and second ATM exchanges.

Also, Kajitani et al. does not disclose or suggest switching, if both of the first and second ATM exchanges detect a trouble of the master PVC connection through the master side OAM connection, the master PVC connection to the bypassing PVC connection at the first and second ATM exchanges, as further required by claim 7.

The Examiner alleged that Kajitani et al. discloses these features and cited column 2, lines 31-37, of Kajitani et al. for support (Office Action, page 5). Applicant respectfully disagrees.

Column 2, lines 31-37, of Kajitani et al. has been reproduced above. While this section of Kajitani et al. may disclose switching from a PVC route to an alternate route when a fault occurs, nowhere in this section, or elsewhere, does Kajitani et al. disclose or suggest switching a master PVC connection to a bypassing PVC connection if both of the first and second ATM exchanges detect a trouble of the master PVC connection, as required by claim 7. Also, Kajitani et al. does not disclose or suggest both first and second ATM exchanges that detect a trouble of the master PVC connection through the master side OAM connection, as further required by claim 7.

For at least these reasons, Applicant submits that claim 7 is not anticipated by Kajitani et al. Claims 9 and 10 depend from claim 7 and are, therefore, not anticipated by Kajitani et al. for at least the reasons given with regard to claim 7.

Applicant notes that the Examiner did not reject claim 8 under 35 U.S.C. § 102 or 103, but also did not identify claim 8 as containing allowable subject matter. Applicant, therefore, requests clarification as to the status of claim 8.

New independent claim 11 recites features similar to features recited in claim 1. Claim 11 is, therefore, patentable over Kajitani et al. for at least reasons similar to reasons given with regard to claim 1. New claims 12-17 depend from claim 11 and are, therefore, patentable over Kajitani et al. for at least the reasons given with regard to claim 11.

New independent claim 18 recites some features similar to features recited in claim 7. Claim 18 is, therefore, patentable over Kajitani et al. for at least reasons similar to reasons given with regard to claim 7.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of pending claims 1-18.

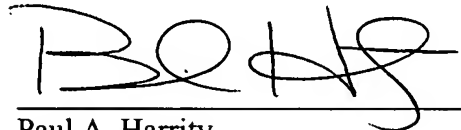
If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

A handwritten signature in black ink, appearing to read 'PAUL A. HARRITY', written over a horizontal line.

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